IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19018 of 2004

Between:

K.V.K.Vishwanadha Raju, S/o.K.Krishnam Raju,
R/o.2-107, Road No.2, Shobana Colony, Balanagar, RR Dist.

..... PETITIONER

AND

1 The Dy.Transport Commissioner & Secretary,

Regional Transport Authority, RR Dist. at Attapur.

2 The Motor Vehicle Inspector, Kothur Check post, Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.AP/9W-5454 seized under vehicle check report No.132583, dated 30-9-2004 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner:MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

ORDER:

The petitioner is the owner of a stage carriage bus bearing No.AP/9W – 5454. On the allegation that the petitioner plied the vehicle without permit and failed to produce vehicle documents, it was seized by the 2nd respondent on 30-09-2004. Enquiry is pending before the first respondent regarding the violation of rules said to be made by the petitioner. The petitioner approached this Court for interim custody of the vehicle on the ground that the first respondent did not respond to his request for the release of the vehicle and if the vehicle remains idle, it is likely to be damaged.

If no application has been made by the petitioner for the release of the vehicle so far, he shall make an application, and on making such application, the first respondent shall release the vehicle in favour of the petitioner for interim custody pending enquiry, on condition of depositing of Rs.10,000/-(Rupees ten thousand only) with the first respondent and also on the following conditions.

1. The petitioner shall not transfer the vehicle in favour of others;
2. He shall not change any parts of the vehicle without the permission of the first respondent;
3. The petitioner shall produce the vehicle as and when required by the first respondent.

The Writ petition is accordingly disposed of at the admission stage.

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Dr. G. Yethirajulu, J.

Dt: 14th October, 2004.

Note: Wire at party's costs.

(B/O)

Rns.

To

1 The Dy.Transport Commissioner & Secretary,

Regional Transport Authority, RR Dist. at Attapur.

2 The Motor Vehicle Inspector, Kothur Check post,

Krishna District.

3. Two CCs to G.P. for Transport,

High Court of A.P., Hyderabad(OUT),

4. Two CD copies.